

FILED MAR 7 1985

1985 MAR 15 PM 3:03

By

Hallam  
HOUSE OF REPRESENTATIVES

I certify that the attached is a true and  
correct copy of HJR 72, which  
was filed of record on MAR 7 1985,  
and referred to the committee on H.J.R. No. 72

Approp.

Betty Murray  
Chief Clerk of the House

A JOINT RESOLUTION

proposing a constitutional amendment to authorize the legislature to require that the Legislative Budget Board and the governor's office approve state agencies' use of private consultants.

BE IS RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article XVI of the Texas Constitution is amended by adding Section 69 to read as follows:

Sec. 69 Before a state agency may spend appropriated funds for the use of private consulting services, the legislative budget board and the office of the governor must approve the state agency's request for the use of a private consultant. The state agency shall provide the legislative budget board and the office of the governor with information relating to the need for the private consulting services.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 5, 1985. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to authorize the legislature to require that the legislative budget board and the governor's office approve state agencies' use of private consultants."

# HOUSE COMMITTEE REPORT

1st. Printing

By Hollowell

H.J.R. No. 72

Substitute the following for H.J.R. No. 72:

By Hollowell

C.S.H.J.R. No. 72

## A JOINT RESOLUTION

1 proposing a constitutional amendment to require approval by the  
2 Legislative Budget Board and the office of the governor of certain  
3 state agencies' use of appropriated funds for private consulting  
4 services and professional services.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article XVI of the Texas Constitution is amended  
7 by adding Section 69 to read as follows:

8 Sec. 69. Before a state agency in the executive branch of  
9 state government may spend appropriated funds for the use of  
10 private consulting services or professional services the  
11 Legislative Budget Board and the office of the governor must  
12 approve the state agency's request for the use of professional  
13 services or a private consultant. The state agency shall provide  
14 the Legislative Budget Board and the office of the governor with  
15 information relating to the need for the professional services or  
16 private consulting services. The Legislative Budget Board and the  
17 governor's office shall establish such rules and procedures as are  
18 necessary to implement this section.

19 SECTION 2. This proposed constitutional amendment shall be  
20 submitted to the voters at an election to be held on November 5,  
21 1985. The ballot shall be printed to provide for voting for or  
22 against the proposition: "The constitutional amendment to require  
23 approval by the Legislative Budget Board and the office of the  
24 governor of certain state agencies' use of appropriated funds for

COMMITTEE REPORT

The Honorable Gib Lewis  
Speaker of the House of Representatives

April 3, 1985  
(date)

Sir:

We, your COMMITTEE ON APPROPRIATIONS, to whom was referred H.J.R. 72 have had the same under consideration and beg to report back with the recommendation that it (measure)

- ( ) do pass, without amendment.
- ( ) do pass, with amendment(s).
- (X) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (X) yes ( ) no An actuarial analysis was requested. ( ) yes (X) no

An author's fiscal statement was requested. ( ) yes (X) no

The Committee recommends that this measure be placed on the ~~(Local)~~ or ~~(Consent)~~ Calendar.

This measure (X) proposes ~~new law.~~ a constitutional amendment (X) amends existing law.

House Sponsor of Senate Measure \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Rudd, Ch.				X
Willis, V.C.	X			
Blanton	X			
Cavazos	X			
Ceverha	X			
Colbert	X			
Denton	X			
Finnell	X			
Garcia, A.C.				X
Geistweidt	X			
Harrison	X			
Hinojosa				X
Hollowell	X			
Kuempel	X			
Leonard	X			
McWilliams	X			
Madla				X
Martinez	X			
Oliveira	X			
Smith, A.				X
Stiles	X			
Sutton				X
Thompson, S.	X			
Toomey	X			
Uher	X			
Vowell				X
Waldrop	X			
Whaley	X			
Wolens	X			

Total  
22 aye  
0 nay  
0 present, not voting  
7 absent

Jim D. Rudd  
CHAIRMAN  
Laura Calfee  
COMMITTEE COORDINATOR

## BILL ANALYSIS

### Background Information

Several years ago, the legislative budgets for state agencies had a very detailed, line-item appropriations format. The State of Texas then decided to change its budget pattern in the LBB document and the appropriations bill to zero-based budgeting. Rather than specific and line items, appropriations were lumped into categories called program administration. This gave more discretion to the agency heads on spending their budget and also cut down upon the riders in the appropriations bill permitting transfer from one line item to another.

Specific abuses of discretion have been brought to the attention of various committees of the legislature, including the House Ethics Committee and the General Investigating Committee. Many of these allegations deal with consultant contracts. Consultant contracts have been used extensively since the new system was implemented. Agencies have used their discretionary authority to enter into these contracts rather than first obtaining legislative approval.

### Purpose

This resolution proposes a constitutional amendment to authorize the legislature to require the LBB and Governor's Office approval of state agencies' use of private consultants. Such an amendment would ensure the constitutionality of H.B. 1615.

### Synopsis

This resolution proposes a constitutional amendment to authorize the legislature to require the LBB and Governor's Office approval of state agencies' use of private consultants.

### Rulemaking Authority

It is the Committee's opinion that this bill does not delegate rulemaking authority to a state officer, agency, department or institution.

### Summary of Committee Action

Public notice was posted in accordance with the Rules of Procedure of the House of Representatives and a public hearing was held on April 1, 1985.

On April 3, 1985 the full committee voted to report CSHJR 72 to the House with the recommendation that it do pass by a record vote of 22 ayes and 0 nays. Testifying for the bill was Rep. Hollowell.

### Comparison of Original Bill to Substitute

The committee substitute limited the duty of requesting approval for consultant services to the executive branch of state government. It also interjected the term "professional services." The substitute also empowers the Legislative Budget Board and the Governor's office to establish the rules and procedures necessary to implement the amendment.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

March 25, 1985

Honorable Jim D. Rudd, Chair  
Committee on House Appropriations  
House of Representatives  
Austin, Texas

In Re: House Joint Resolution No. 72  
By: Hollowell

Sir:

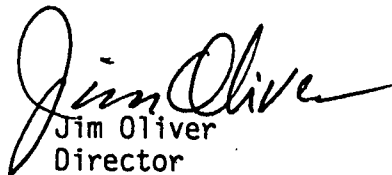
In response to your request for a Fiscal Note on House Joint Resolution No. 72 (proposing a constitutional amendment to authorize the Legislature to require that the Legislative Budget Board and the Governor's Office approve state agencies' use of private consultants) this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds.

The cost of publication of the resolution to the State is \$48,100.

Review of requests for use of private consulting services may result in savings to the State.

No fiscal implication to units of local government is anticipated.

  
Jim Oliver  
Director

Source: LBB Staff: JO, JH, BL

By Hollowell

H.J.R. No. 72

Substitute the following for H.J.R. No. 72:

C.S.H.J.R. No. 72

By

Hollowell

A JOINT RESOLUTION

proposing a constitutional amendment to require approval by the Legislative Budget Board and the office of the governor of certain state agencies' use of appropriated funds for private consulting services and professional services.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article XVI of the Texas Constitution is amended by adding Section 69 to read as follows:

Sec. 69. Before a state agency in the executive branch of state government may spend appropriated funds for the use of private consulting services or professional services, the Legislative Budget Board and the office of the governor must approve the state agency's request for the use of professional services or a private consultant. The state agency shall provide the Legislative Budget Board and the office of the governor with information relating to the need for the professional services or private consulting services. The Legislative Budget Board and the governor's office shall establish such rules and procedures as are necessary to implement this section.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 5, 1985. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to require approval by the Legislative Budget Board and the office of the governor of certain state agencies' use of appropriated funds for private consulting services or professional services."

**ADOPTED**

*as amended*

MAY 15 1985

*Betty Mursey*  
Chief Clerk  
House of Representatives

**ADOPTED**

MAY 15 1985

*Betty Murray*  
Chief Clerk  
House of Representatives

AMENDMENT NO. ①

BY Hollowell

1 Amend C.S.H.J.R. 72 by renumbering Section 2 as Section 3 and  
2 adding a new Section 2 to read as follows:

3 SECTION 2. The Texas Constitution is amended by adding an  
4 unnumbered transition provision to read as follows:

5 TRANSITION PROVISION. If H.B. 1615, Acts of the 69th  
6 Legislature, Regular Session, 1985, becomes law, the procedures  
7 provided by Section 4A, Professional Services Procurement Act  
8 (Article 664-4, Vernon's Texas Civil Statutes), and Chapter 454,  
9 Acts of the 65th Legislature, Regular Session, 1977 (Article  
10 6252-11c, Vernon's Texas Civil Statutes), as those Acts are amended  
11 by H.B. 1615, apply to the procurement of services under Article  
12 XVI, Section 69, of this constitution until rules and procedures  
13 are adopted under Article XVI, Section 69. This transition  
14 provision expires January 1, 1990.

# HOUSE ENGROSSMENT

1985 MAY 15 PM 10: 53  
HOUSE OF REPRESENTATIVES

By Hollowell

H.J.R. No. 72

## A JOINT RESOLUTION

1 proposing a constitutional amendment to require approval by the  
2 Legislative Budget Board and the office of the governor of certain  
3 state agencies' use of appropriated funds for private consulting  
4 services and professional services.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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7 by adding Section 69 to read as follows:

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9 state government may spend appropriated funds for the use of  
10 private consulting services or professional services, the  
11 Legislative Budget Board and the office of the governor must  
12 approve the state agency's request for the use of professional  
13 services or a private consultant. The state agency shall provide  
14 the Legislative Budget Board and the office of the governor with  
15 information relating to the need for the professional services or  
16 private consulting services. The Legislative Budget Board and the  
17 governor's office shall establish such rules and procedures as are  
18 necessary to implement this section.

19 SECTION 2. The Texas Constitution is amended by adding an  
20 unnumbered transition provision to read as follows:

21 TRANSITION PROVISION. If H.B. 1615, Acts of the 69th  
22 Legislature, Regular Session, 1985, becomes law, the procedures  
23 provided by Section 4A, Professional Services Procurement Act  
24 (Article 664-4, Vernon's Texas Civil Statutes), and Chapter 454,



1 Acts of the 65th Legislature, Regular Session, 1977 (Article  
2 6252-11c, Vernon's Texas Civil Statutes), as those Acts are amended  
3 by H.B. 1615, apply to the procurement of services under Article  
4 XVI, Section 69, of this constitution until rules and procedures  
5 are adopted under Article XVI, Section 69. This transition  
6 provision expires January 1, 1990.

7       SECTION 3. This proposed constitutional amendment shall be  
8 submitted to the voters at an election to be held on November 5,  
9 1985. The ballot shall be printed to provide for voting for or  
10 against the proposition: "The constitutional amendment to require  
11 approval by the Legislative Budget Board and the office of the  
12 governor of certain state agencies' use of appropriated funds for  
13 private consulting services or professional services."

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

March 25, 1985

Honorable Jim D. Rudd, Chair  
Committee on House Appropriations  
House of Representatives  
Austin, Texas

In Re: House Joint Resolution No. 72  
By: Hollowell

Sir:

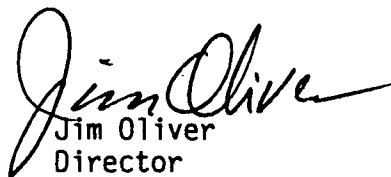
In response to your request for a Fiscal Note on House Joint Resolution No. 72 (proposing a constitutional amendment to authorize the Legislature to require that the Legislative Budget Board and the Governor's Office approve state agencies' use of private consultants) this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds.

The cost of publication of the resolution to the State is \$48,100.

Review of requests for use of private consulting services may result in savings to the State.

No fiscal implication to units of local government is anticipated.

  
Jim Oliver  
Director

Source: LBB Staff: JO, JH, BL

1 By: Hollowell (Senate Sponsor - Jones) H.J.R. No. 72  
2 (In the Senate - Received from the House May 15, 1985;  
3 May 16, 1985, read first time and referred to Committee on Finance;  
4 May 21, 1985, reported adversely, with favorable Committee  
5 Substitute; May 21, 1985, sent to printer.)

6 COMMITTEE SUBSTITUTE FOR H.J.R. No. 72

By: Jones

7 A JOINT RESOLUTION

8 proposing a constitutional amendment to require approval by the  
9 Legislative Budget Board and the office of the governor of certain  
10 state agencies' use of appropriated funds for private consulting  
11 services and professional services, and authorizing the legislature  
12 to require the prior approval of the expenditure or emergency  
13 transfer of other appropriated funds.

14 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

15 SECTION 1. Article XVI of the Texas Constitution is amended  
16 by adding Section 69 to read as follows:

17 Sec. 69. (a) Before a state agency in the executive branch  
18 of state government may spend appropriated funds for the use of  
19 private consulting services or professional services, the  
20 Legislative Budget Board and the office of the governor must  
21 approve the state agency's request for the use of professional  
22 services or a private consultant. The state agency shall provide  
23 the Legislative Budget Board and the office of the governor with  
24 information relating to the need for the professional services or  
25 private consulting services. The Legislative Budget Board and the  
26 governor's office shall establish such rules and procedures as are  
27 necessary to implement this subsection, and this subsection shall  
28 have precedence over any other laws related to this subject.

29 (b) The legislature may require, by rider in the General  
30 Appropriations Act or by separate statute, the prior approval of  
31 the expenditure or the emergency transfer of any funds appropriated  
32 to the agencies of state government.

33 SECTION 2. This proposed constitutional amendment shall be  
34 submitted to the voters at an election to be held on November 5,  
35 1985. The ballot shall be printed to provide for voting for or  
36 against the proposition: "The constitutional amendment to protect  
37 public funds by requiring prior approval of state expenditures for  
38 private consultants and by authorizing prior approval of  
39 expenditure or emergency transfer of state appropriations."

40 \* \* \* \* \*

41 Austin, Texas  
42 May 21, 1985

43 Hon. William P. Hobby  
44 President of the Senate

45 Sir:

46 We, your Committee on Finance to which was referred H.J.R. No. 72,  
47 have had the same under consideration, and I am instructed to  
48 report it back to the Senate with the recommendation that it do not  
49 pass, but that the Committee Substitute adopted in lieu thereof do  
50 pass and be printed.

51 Jones, Chairman

H.J.R. 72, as engrossed  
By: Hollowell

Committee on Finance  
69th Legislature, R.S.

## BILL ANALYSIS

### BACKGROUND INFORMATION

Several years ago, the budgets for state agencies contained a very detailed, line-item appropriations format. The State of Texas then decided to change its budget format in the Legislative Budget Board document and the appropriations bill to zero-based budgeting. Rather than specific line-items, appropriations were lumped into categories called "program administration." This gave more discretion to agency administrators and reduced the number of riders in the appropriations bill permitting transfer from one line-item to another.

### PROBLEMS THAT THE BILL ADDRESSES

Specific abuses of discretion have been brought to the attention of various committees of the legislature, including the House Ethics Committee and the General Investigating Committee. Many of these allegations deal with consultant contracts. Consultant contracts have been used extensively since the new system was implemented. Agencies have used their discretionary authority to enter into these contracts rather than first obtaining legislative approval.

### HOW THE BILL WILL SOLVE THE PROBLEM(S)

The resolution proposes a constitutional amendment to authorize the legislature to require the Legislative Budget Board and the Governor's office to approve state agencies' use of appropriated funds for private consultants.

### SECTION BY SECTION ANALYSIS

SECTION 1: Amends Article XVI, Texas Constitution, by adding Section 69 to require the Legislative Budget Board and the Governor's office to approve state agencies' use of appropriated funds for private consultants.

SECTION 2: Amends the Texas Constitution by adding an unnumbered transition provision to provide for the constitutionality of H.B. 1615, 69th Legislature, Regular Session, 1985. The provision expires January 1, 1990.

SECTION 3: Election to be held November 5, 1985.

Rulemaking Authority: None established.

By Hollowell

H.J.R. No. 72

Substitute the following for H.J.R. No. 72:

By *Garrett* ((I WISELY A))

C.S.H.J.R. No. 72

*Insert C* →

A JOINT RESOLUTION

1 proposing a constitutional amendment to require approval by the  
2 Legislative Budget Board and the office of the governor of certain  
3 state agencies' use of appropriated funds for private consulting  
4 services and professional services, and authorizing the legislature  
5 to require the prior approval of the expenditure or emergency  
6 transfer of other appropriated funds.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

*Insert B* →

8 SECTION 1. Article XVI of the Texas Constitution is amended  
9 by adding Section 69 to read as follows:

10 Sec. 69. (a) Before a state agency in the executive branch  
11 of state government may spend appropriated funds for the use of  
12 private consulting services or professional services, the  
13 Legislative Budget Board and the office of the governor must  
14 approve the state agency's request for the use of professional  
15 services or a private consultant. The state agency shall provide  
16 the Legislative Budget Board and the office of the governor with  
17 information relating to the need for the professional services or  
18 private consulting services. The Legislative Budget Board and the  
19 governor's office shall establish such rules and procedures as are  
20 necessary to implement this subsection, and this subsection shall  
21 have precedence over any other laws related to this subject.

22 (b) The legislature may require, by rider in the General  
23 Appropriations Act or by separate statute, the prior approval of  
24 the expenditure or the emergency transfer of any funds appropriated

**ADOPTED**

1 to the agencies of state government.

2       SECTION 2. This proposed constitutional amendment shall be  
3 submitted to the voters at an election to be held on November 5,  
4 1985. The ballot shall be printed to provide for voting for or  
5 against the proposition: "The constitutional amendment to protect  
6 public funds by requiring prior approval of state expenditures for  
7 private consultants and by authorizing prior approval of  
8 expenditure or emergency transfer of state appropriations."

Flow Amendment 1

Amend HJR 72 by striking all below the enacting clause and substituting in lieu thereof the following:

By ~~Hollowell~~

H.J.R. No. 72

~~Substitute the following for H.J.R. No. 72~~

By ~~Joseph~~

C.S.H.J.R. No. 72

A JOINT RESOLUTION

~~proposing a constitutional amendment authorizing the legislature to require the prior approval of the expenditure of emergency transfer of other appropriated funds.~~

~~BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:~~

SECTION 1. Article XVI of the Texas Constitution is amended by adding Section 69 to read as follows:

Sec. 69. The legislature may require, by rider in the General Appropriations Act or by separate statute, the prior approval of the expenditure or the emergency transfer of any funds appropriated to the agencies of state government.

SECTION 2. This proposal constitutional amendment shall be submitted to the voters at an election to be held on November 5, 1985. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to protect public funds by authorizing prior approval of expenditure or emergency transfer of state appropriations."

ADOPTED

MAY 25 1985

*Buty King*  
Secretary of the Senate

(2)

Flow Amendment 2

Amend HJR 72 by striking all above the  
enacting clause and substituting in lieu thereof  
the following:

By Hollowell

H.J.R. No. 72

Substitute the following for H.J.R. No. 72

By *[Signature]*

A JOINT RESOLUTION

proposing a constitutional amendment authorizing the legislature  
to require the prior approval of the expenditure <sup>or</sup> of emergency  
transfer of other appropriated funds.

~~BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:~~

SECTION 1. Article XVI of the Texas Constitution is amended  
by adding Section 69 to read as follows:

Sec. 69. The legislature may require, by rider in the General  
Appropriations Act or by separate statute, the prior approval of  
the expenditure or the emergency transfer of any funds appropriated  
to the agencies of state government.

SECTION 2. This proposal constitutional amendment shall be  
submitted to the voters at an election to be held on November 5,  
1985. The ballot shall be printed to provide for voting for or  
against the proposition: "The constitutional amendment to protect  
public funds by authorizing prior approval of expenditure or  
emergency transfer of state appropriations."

**ADOPTED**

MAY 25 1985

*[Signature]*  
Secretary of the Senate

(3)



# SENATE AMENDMENTS

## 2nd Printing

By Hollowell

H.J.R. No. 72

### A JOINT RESOLUTION

proposing a constitutional amendment to require approval by the Legislative Budget Board and the office of the governor of certain state agencies' use of appropriated funds for private consulting services and professional services.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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Sec. 69. Before a state agency in the executive branch of state government may spend appropriated funds for the use of private consulting services or professional services, the Legislative Budget Board and the office of the governor must approve the state agency's request for the use of professional services or a private consultant. The state agency shall provide the Legislative Budget Board and the office of the governor with information relating to the need for the professional services or private consulting services. The Legislative Budget Board and the governor's office shall establish such rules and procedures as are necessary to implement this section.

SECTION 2. The Texas Constitution is amended by adding an unnumbered transition provision to read as follows:

TRANSITION PROVISION. If H.B. 1615, Acts of the 69th Legislature, Regular Session, 1985, becomes law, the procedures provided by Section 4A, Professional Services Procurement Act (Article 664-4, Vernon's Texas Civil Statutes), and Chapter 454,

1 Acts of the 65th Legislature, Regular Session, 1977 (Article  
2 6252-11c, Vernon's Texas Civil Statutes), as those Acts are amended  
3 by H.B. 1615, apply to the procurement of services under Article  
4 XVI, Section 69, of this constitution until rules and procedures  
5 are adopted under Article XVI, Section 69. This transition  
6 provision expires January 1, 1990.

7       SECTION 3. This proposed constitutional amendment shall be  
8 submitted to the voters at an election to be held on November 5,  
9 1985. The ballot shall be printed to provide for voting for or  
10 against the proposition: "The constitutional amendment to require  
11 approval by the Legislative Budget Board and the office of the  
12 governor of certain state agencies' use of appropriated funds for  
13 private consulting services or professional services."

By Hollowell

C.S.H.J.R. No. 72

SENATE AMENDMENT NO. 1

A JOINT RESOLUTION

1 proposing a constitutional amendment to require approval by the  
2 Legislative Budget Board and the office of the governor of certain  
3 state agencies' use of appropriated funds for private consulting  
4 services and professional services, and authorizing the legislature  
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13 Legislative Budget Board and the office of the governor must  
14 approve the state agency's request for the use of professional  
15 services or a private consultant. The state agency shall provide  
16 the Legislative Budget Board and the office of the governor with  
17 information relating to the need for the professional services or  
18 private consulting services. The Legislative Budget Board and the  
19 governor's office shall establish such rules and procedures as are  
20 necessary to implement this subsection, and this subsection shall  
21 have precedence over any other laws related to this subject.

22 (b) The legislature may require, by rider in the General

1 Appropriations Act or by separate statute, the prior approval of  
2 the expenditure or the emergency transfer of any funds appropriated  
3 to the agencies of state government.

4 SECTION 2. This proposed constitutional amendment shall be  
5 submitted to the voters at an election to be held on November 5,  
6 1985. The ballot shall be printed to provide for voting for or  
7 against the proposition: "The constitutional amendment to protect  
8 public funds by requiring prior approval of state expenditures for  
9 private consultants and by authorizing prior approval of  
10 expenditure or emergency transfer of state appropriations."

11 69R7345 SRC-F

Jones

12 SENATE AMENDMENT NO. 2

13 Amend CSHJR 72 by striking all below the enacting clause and  
14 substituting in lieu thereof the following:

15 SECTION 1. Article XVI of the Texas Constitution is amended  
16 by adding Section 69 to read as follows:

17 Sec. 69. The legislature may require, by rider in the  
18 General Appropriations Act or by separate statute, the prior  
19 approval of the expenditure or the emergency transfer of any funds  
20 appropriated to the agencies of state government.

21 SECTION 2. This proposed constitutional amendment shall be  
22 submitted to the voters at an election to be held on November 5,  
23 1985. The ballot shall be printed to provide for voting for or  
24 against the proposition: "The constitutional amendment to protect  
25 public funds by authorizing prior approval of expenditure or  
26 emergency transfer of state appropriations."

27 Jones

C.S.H.J.R. No. 72

SENATE AMENDMENT NO. 3

Amend CSHJR 72 by striking all above the enacting clause and substituting in lieu thereof the following:

A JOINT RESOLUTION

proposing a constitutional amendment authorizing the legislature to require the prior approval of the expenditure or emergency transfer of other appropriated funds.

Jones

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

May 21, 1985

Honorable Grant Jones, Chairman  
Committee on Finance  
Senate Chamber  
Austin, Texas

In Re: Senate Committee Substitute for  
House Joint Resolution No. 72

Sir:

In response to your request for a Fiscal Note on Senate Committee Substitute for House Joint Resolution No. 72 (proposing a constitutional amendment to require approval by the Legislative Budget Board and the office of the governor of certain state agencies' use of appropriated funds for private consulting services and professional services, and authorizing the legislature to require the prior approval of the expenditure or emergency transfer of other appropriated funds) this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds.

The cost of publication of the resolution to the State is \$48,100.

Review of requests for use of private consulting services and prior approval of the expenditures or the emergency transfer of state funds may result in savings to the State.

No fiscal implication to units of local government is anticipated.

  
Jim Oliver  
Director

Source: LBB Staff: JO, JH, DS

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

May 17, 1985

Honorable Grant Jones, Chairman  
Committee on Finance  
Senate Chamber  
Austin, Texas

In Re: House Joint Resolution No. 72,  
as engrossed  
By: Hollowell

Sir:

In response to your request for a Fiscal Note on House Joint Resolution No. 72, as engrossed (proposing a constitutional amendment to require approval by the Legislative Budget Board and the office of the governor of certain state agencies' use of appropriated funds for private consulting services and professional services) this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds.

The cost of publication of the resolution to the State is \$48,100.

Review of requests for use of private consulting services may result in savings to the State.

No fiscal implication to units of local government is anticipated.

  
Jim Oliver  
Director

Source: LBB Staff: JO, JH, DS

H. J. R. No. 72

## A JOINT RESOLUTION

proposing a constitutional amendment authorizing the legislature to require the prior approval of the expenditure or emergency transfer of other appropriated funds.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article XVI of the Texas Constitution is amended by adding Section 69 to read as follows:

Sec. 69. The legislature may require, by rider in the General Appropriations Act or by separate statute, the prior approval of the expenditure or the emergency transfer of any funds appropriated to the agencies of state government.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 5, 1985. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to protect public funds by authorizing prior approval of expenditure or emergency transfer of state appropriations."



H.J.R. No. 72

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President of the Senate

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Speaker of the House

I certify that H.J.R. No. 72 was passed by the House on May 15, 1985, by the following vote: Yeas 143, Nays 1; and that the House concurred in Senate amendments to H.J.R. No. 72 on May 26, 1985, by the following vote: Yeas 141, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.J.R. No. 72 was passed by the Senate, with amendments, on May 25, 1985, by the following vote: Yeas 30, Nays 1.

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Secretary of the Senate

RECEIVED: \_\_\_\_\_

Date

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Secretary of State

HOUSE JOINT RESOLUTION

proposing a constitutional amendment to authorize the legislature to require that the legislative budget board and the governor's office approve state agencies' use of private consultants.

MAR 7 1985

1. Filed with the Chief Clerk.

MAR 13 1985

2. Read first time and referred to Committee on

Appropriations

APR 3 1985

3. Reported favorably <sup>(as amended)</sup> and sent to Printer at 9:29 am  
4-9-85  
(as substituted)

APR 9 1985

4. Printed and distributed at 6:24 p.m.

APR 10 1985

5. Sent to Committee on Calendars at 8:17 am

MAY 15 1985

6. Read second time <sup>as substituted</sup> (amended) and (finally) passed to Third Reading by a Record Vote of 143 yeas, 1 nays, 0 present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. \_\_\_\_\_ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. \_\_\_\_\_ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

MAY 15 1985

11. Ordered Engrossed at 6:18 pm

MAY 15 1985

12. Engrossed.

MAY 15 1985

13. Returned to Chief Clerk at 11 pm

MAY 15 1985

14. Sent to the Senate.

Betty Murray  
Chief Clerk of the House

MAY 15 1985

15. Received from the House

MAY 16 1985

16. Read, referred to Committee on FINANCE

17. Reported favorably

MAY 21 1985

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

MAY 25 1985

20. Regular order of business suspended by

(a viva voce vote.)  
30 yeas, 1 nays.)

21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

MAY 25 1985

22. Read second time amended passed to third reading by: (a viva voce vote.) \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

MAY 25 1985

Motion to suspend Regular Order of Business failed by 16 yeas 12 nays.

1985 MAY 15

23. Caption ordered amended to conform to body of bill.

1985 MAY 15

24. Senate and Constitutional 3-Day Rules suspended by vote of 30 yeas,  
1 nays to place bill on third reading and final passage.

1985 MAY 25

25. Read third time and passed by

(a viva voce vote.)  
( 30 yeas, 1 nays.)

OTHER ACTION:

OTHER ACTION:

*Buty King*

Secretary of the Senate

May 25, 1985

26. Returned to the House.

MAY 25 1985

27. Received from the Senate (with amendments.)  
(as substituted.)

MAY 26 1985

28. House (Concurred) (~~Refused to Concur~~) in Senate (Amendments) by a (Non-Record  
Vote) (Record Vote of 141 yeas, 0 nays, 1 present,  
not voting).

29. Conference Committee Ordered.

30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record  
Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

MAY 26 1985

31. Ordered Enrolled at

5:00 pm

1985 MAY 15 PM 10:53

HOUSE OF REPRESENTATIVES

1985 MAY 26 AM 10:00